

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 Tyler Harris,  
5 Plaintiff,  
6 v.  
7 Los Angeles County,  
8 Defendants.  
9

Case No. 2:25-cv-00231-APG-BNW

**ORDER AND REPORT AND  
RECOMMENDATION**

10 Plaintiff brings this lawsuit and moves to proceed *in forma pauperis* (IFP). *See* ECF  
11 No. 1. Plaintiff submitted the affidavit required by 28 U.S.C. § 1915(a) showing an inability to  
12 prepay fees or costs or give security for them. Accordingly, the Court will grant his request to  
13 proceed *in forma pauperis*. The Court now screens Plaintiff's complaint (ECF No. 1-1).

14 **I. Analysis**

15 **A. Screening standard**

16 Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint  
17 under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable claims  
18 and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be  
19 granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C.  
20 § 1915(e)(2). Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard  
21 for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668  
22 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must "contain sufficient  
23 factual matter, accepted as true, to state a claim to relief that is plausible on its face." *See Ashcroft*  
24 *v. Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes pro se complaints and may only  
25 dismiss them "if it appears beyond doubt that the plaintiff can prove no set of facts in support of  
26 his claim which would entitle him to relief." *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir.  
27 2014) (*quoting Iqbal*, 556 U.S. at 678).  
28

1 In considering whether the complaint is sufficient to state a claim, all allegations of  
2 material fact are taken as true and construed in the light most favorable to the plaintiff. *Wylar*  
3 *Summit P'ship v. Turner Broad. Sys. Inc.*, 135 F.3d 658, 661 (9th Cir. 1998) (citation omitted).  
4 Although the standard under Rule 12(b)(6) does not require detailed factual allegations, a plaintiff  
5 must provide more than mere labels and conclusions. *Bell Atlantic Corp. v. Twombly*, 550 U.S.  
6 544, 555 (2007). A formulaic recitation of the elements of a cause of action is insufficient. *Id.*  
7 Unless it is clear the complaint's deficiencies could not be cured through amendment, a pro se  
8 plaintiff should be given leave to amend the complaint with notice regarding the complaint's  
9 deficiencies. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

#### 10 **B. Screening the Complaint**

11 Plaintiff's complaint contains few and vague factual allegations. *See* ECF No. 1-1. In  
12 essence, he is alleging the County of Los Angeles is stealing money and kidnapping people. Even  
13 liberally construing Plaintiff's complaint, it does not state sufficient factual allegations about the  
14 underlying dispute and the defendants' role in the matter to state a claim.

15 More importantly, he intends to assert claims for the violation of two criminal statutes—  
16 18 U.S.C. § 1951 and 18 U.S.C. § 875. Criminal statutes do not confer a private cause of action  
17 unless Congress specifies that it intends to create one. *See Cannon v. Univ. of Chicago*, 441 U.S.  
18 677, 717–18 (1979) (Rehnquist, J., concurring); *see also Aldabe v. Aldabe*, 616 F.2d 1089, 1092  
19 (9th Cir. 1980). There is no evidence of legislative intent to create a private cause of action  
20 relating to these criminal statutes. Because Plaintiff does not have a private cause of action, no  
21 amendment can cure this defect. The Court recommends that Plaintiff's claims be dismissed with  
22 prejudice for failure to state a claim.

#### 23 **II. CONCLUSION**

24 **IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma*  
25 *pauperis* (ECF No. 1) is **GRANTED**.

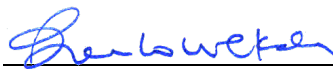
26 **IT IS FURTHER ORDERED** that the Clerk of Court must detach and separately file  
27 Plaintiff's complaint (ECF No. 1-1).  
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1           **IT FURTHER RECOMMENDED** that Plaintiff's complaint be dismissed with  
2     prejudice.

3   **NOTICE**

4           This report and recommendation is submitted to the United States district judge assigned  
5     to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation  
6     may file a written objection supported by points and authorities within fourteen days of being  
7     served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely  
8     objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153,  
9     1157 (9th Cir. 1991).

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11           DATED: February 6, 2025

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14   BRENDA WEKSLER  
15   UNITED STATES MAGISTRATE JUDGE  
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